

**MINUTES OF THE PLANNING COMMISSION
UPPER POTTS GROVE TOWNSHIP**

April 14, 2008

The regular meeting of the Upper Pottsgrove Planning Commission was held on Monday, April 14, 2008, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Elwood Taylor, John Bealer, Herb Miller, John Ungerman and Donald Nice present. Also present were County Planner Michael Narcowich, Township Engineer John Theisen, Township Manager Jack Layne and Recording Secretary Michelle Reddick. The meeting was called to order by Chairman Taylor at 6:03 p.m. There were 11 people in the audience.

APPROVAL OF MINUTES – A motion by Miller, seconded by Bealer, to approve the minutes of March 10, 2008, as written. All aye votes.

KUMMERER TRACT – **sketch plan** – Jonathan Penders and Steve Gallo of Rouse/Chamberlin Homes were present to discuss the minor changes made to the sketch plan for their proposed age-restricted development. Mr. Taylor explained one of the major concerns was the “t” courts and whether emergency apparatus could properly access the courts. Steve Gallo advised he met with the Fire Marshall, Fire Chief and Deputy Fire Chief, and they signed off on the “t” courts with conditions. The conditions are: (1) installation of reinforced emergency access roads between courts to provide for additional circulation; (2) placement of fire hydrants outside the courts along boulevards at each entrance to the court; and (3) making sure that curbs at each corner of the courts meet the criteria for turning radius so that the fire trucks can make turns. Steve noted the curbing as proposed does meet the criteria for turning radius. Mr. Gallo outlined other issues discussed which included the number of lots backing up to open space and the unbalance of the open space on the northwest portion of the property. He explained that in order to address these issues, the open space was reconfigured, and the central green was relocated to be more centrally located on the property. He further explained that more open space area was created to the back of lots from the overall open space on the property, and the number of lots back to back was reduced by 25 percent to create more open space. In response to a question from Mr. Nice, Mr. Gallo advised that the green area between lots 60-75 and 65-84 is approximately 20-25 feet for small planting berms and landscaping. In response to another question from Mr. Nice, Mr. Gallo advised there will be shrubbery in the green area. Mr. Miller noted he would like to see specifics on the number and types of trees that will be planted. Mr. Nice expressed concern that the green area along Pineford Road was reduced by a large amount. Mr. Gallo explained there may be a typographical error on the plan, because the green area along Pineford Road was not reduced by that much. In response to a question from Mr. Miller, Mr. Penders advised they are not planning any pull-off areas for parking as the units will have 2-car garages. He further advised there would not be any street parking in the court areas. Mr. Miller suggested the developer consider reducing the number of lots and include some type of off-street parking areas. In response to a question from Mr. Theisen, Mr. Gallo advised that most of Kummerer Road will be vacated. Mr. Theisen noted that since the area for the access road from Farmington Avenue is steep, the developer would need flat area at Farmington Avenue and then have the road come down into the development. In response to other questions from Mr. Theisen, Mr. Gallo advised the widths of the cartways would be 30 feet, and the elevations of the homes would be single to 1 ½ story. In response to a question from Mr. Miller, Mr. Gallo advised there are 14 parking spaces for the pool/clubhouse. In response to another question from Mr. Miller, Mr. Penders advised there will be other recreational amenities on the property. County Planner Mike Narcowich noted the age-restricted ordinance requires

KUMMERER TRACT – sketch plan (cont'd.) - recreational amenities. Mr. Narowich commended the developer for including crosswalks and a well thought out path system in the development. He recommended the developer consider allowing for more green areas between houses, off-street parking areas, traffic calming measures and berms. Mr. Taylor advised the developer to review the newly adopted riparian corridor ordinance to see how it affects their proposed development. Mr. Penders and Mr. Gallo thanked the Planning Commission for their input. Mr. Gallo noted he would review the riparian corridor ordinance and proceed with a plan submission.

ZHB #5-07 WILLIAM & NANCY BAIRD – The applicant has requested a variance from Zoning Code Section 350-79 to allow the conversion of a cement block garage located at 1710 Farmington Avenue into a commercial kitchen use. A public hearing before the Zoning Hearing Board has been scheduled for May 22, 2008. Mr. Baird was present to discuss his application. He advised that after reviewing the ordinance, he believes he is able to have a home-based business. He explained the business is an outside catering business, and his proposal is to use the existing 550 square foot garage for a commercial kitchen for his business. He noted that the Montgomery County Health Department is okay with utilizing the garage for a commercial kitchen and also with him using a holding tank for sewer until the public sewer comes to the property. He advised he would not have dumpsters, but rather trash cans. Mr. Miller stated that he appreciates Mr. Baird coming to the Township for approval for his proposal rather than just going ahead and doing this. Township Solicitor Greg Shantz provided a brief explanation of a no-impact, home based business, and noted that there is not enough information to determine whether what Mr. Baird is proposing goes beyond a home based business. However, Mr. Shantz explained that Mr. Baird is seeking a use variance which differs from a dimensional variance in that the applicant will be held to a higher level of expectation and a higher standard. He further explained the applicant has to demonstrate that the property cannot be used as it is currently zoned, and the applicant must prove a hardship. In response to a question from Mr. Theisen, Mr. Baird explained there are currently two mobile homes on the property. He noted he plans to remove one mobile home and remodel the other to use as storage and office space. In response to other questions from Mr. Theisen, Mr. Baird advised the commercial kitchen would include a 10 burner stove and a grill and stack oven, the prep work would be done between 9:00 a.m. and 2:00 a.m., and the walk-in box would be 6 feet by 8 feet and located outside. Mr. Baird further advised that he shops for most of his food, but does have some food delivered. Mr. Shantz suggested that Mr. Baird research the five standards for a use variance in order to prepare for his hearing. The Planning Commission agreed to take no action on this matter due to the legal issues involved.

BACON PROPERTY – sketch plan – Three residents of the Township have reached an agreement to purchase from Bacon Investment Properties a three acre lot located on Detweiler Road in an effort to protect the land from future development. Since the three parties involved are not comfortable with common ownership of the referenced parcel, a decision was made to pursue subdivision of the parcel into two identical size lots (1.2 acres each) and one smaller lot (0.72 acres). However, the property owners involved have several questions. **Melissa Cache, 2160 Hollyberry Court**, advised the largest expense is the fee for the perimeter survey. There are also other questions such as whether pins instead of monuments can be used, whether the survey has to include their existing properties and all features on the property and what information needs to be shown on the plan. Township Solicitor Greg Shantz explained that we

BACON PROPERTY – sketch plan (cont'd.) - are talking about two different things that go hand in hand. The first being what has to be shown on the subdivision plan and the second being what survey is going to be required. Mr. Shantz further explained that in order to annex pieces of the Bacon property onto their existing lots, they would need a survey of each of the three pieces and a survey of their existing properties. However, it is his understanding that the cost for this perimeter survey would be prohibitive. Therefore, Mr. Shantz is suggesting that a new survey be completed for each of the three pieces that are going to be combined with the three existing lots. Then when the plan is prepared, include language in the new deed regarding deed restrictions which would prevent the new parcels from ever being developed as a building lot, sold individually or not being conveyed with the property owner's existing lot. This will protect the Township which is our primary goal. It will also prevent the creation of an undersized lot, but at the same time help the property owners by significantly reducing the costs involved with a new perimeter survey. Mr. Shantz still suggests that the property owners consider having a perimeter survey done in the future for their own benefit. However, with the proper deed restrictions now, there will be no adverse affect to the Township. In response to a question from **Melissa Cache**, Mr. Shantz explained that a new deed with two parcels and a minor subdivision plan would be required in order for the property owners to proceed. In response to another question from **Melissa Cache**, Mr. Shantz advised that the Township would provide the language for the deed restrictions. In response to a final question from **Melissa Cache**, Mr. Shantz advised that language could not be included that another property owner could purchase the new lot. In response to a question from **Richard Keer, 2097 Detweiler Road**, Mr. Theisen advised the ordinance requires concrete monuments; however, this requirement could be waived. In response to a question from **Bob Orzolek, 2156 Hollyberry Court**, Mr. Theisen explained the ordinance does require the survey to include all existing structures within 100 feet of the property; however for annexation, this could be waived. Mr. Theisen also explained that the minor subdivision plan will need to show property boundaries of their existing lots and where they connect to the new pieces that are being subdivided. The property owners involved with this matter thanked the Planning Commission for their efforts concerning this matter.

ADA STAUFFER TRACT – minor subdivision – The Township is currently under an agreement of sale to purchase this property through the Montgomery County Open Space Program. The Planning Commission reviewed minor subdivision plans dated February 14, 2008 as well as comments in Township Engineer John Theisen's letter dated April 8, 2008. In response to one of the general comments in Mr. Theisen's letter, Township Solicitor Greg Shantz advised that a property search should be completed to determine if an easement was recorded for the Rubino's driveway which is located on the Township's parcel, and if not, prepare and record a new easement. A motion by Miller, seconded by Nice, to recommend to the Board of Commissioners approval of the waiver requests as outlined in John Theisen's letter dated April 4, 2008, with the exception of comment 4 under Subdivision and Land Development and the addition of comments 7 and 13 subject to putting the waiver requests in writing. All aye votes. A motion by Miller, seconded by Nice, to recommend to the Board of Commissioners preliminary/final plan approval of the minor subdivision plans dated February 14, 2008, subject to satisfactory completion of all outstanding issues in John Theisen's letter dated April 8, 2008, with the exception of the waivers. All aye votes.

#4-07 PASCAL ANNEXATION – review extension - The applicant has requested a 90-day extension of time for review of the subdivision. A motion by Miller, seconded by Nice, to recommend to the Board of Commissioners approval of the 90-day extension from May 10 to July 8, 2008. All aye votes.

PROPOSED VILLAGE CENTER & RETAIL OFFICE DISTRICTS – The Planning Commission briefly reviewed the boundaries of the proposed zoning districts. Mr. Narcowich explained that there was a question as to how these new zoning districts would affect the regional comprehensive plan. He explained the suburban residential area in the regional plan would have to be changed to village center district. He further explained that the currently proposed Retail Office District along Farmington Avenue is okay as it is regional commerce in the regional plan. Finally, the other proposed retail office areas are okay as you are allowed to have commercial in the current suburban residential in the regional plan.

Mr. Miller advised that he met with the new owner of the Halfway House who is planning to put in a seafood, steak house and sushi bar. However, only 25 percent of the food will be sushi. He further advised that the owner will consider an enclosed dining area off the back of the restaurant instead of a deck if business goes well.

ADJOURNMENT – A motion by Nice, seconded by Miller, to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Michelle L. Reddick
Recording Secretary